



U.S. DEPARTMENT OF JUSTICE  
IN CLERKS OFFICE

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District of Massachusetts  
U.S. DISTRICT COURT  
DISTRICT OF MASS.

FILED  
IN CLERKS OFFICE  
2004 SEP 27 A 10:26  
U.S. DISTRICT COURT  
DISTRICT OF MASS.  
Main Reception: (617) 274-3100

John Joseph Moakley United States Courthouse  
1 Courthouse Way  
Suite 9200  
Boston, Massachusetts 02210

September 27, 2004

By Hand

Hon. Morris E. Lasker  
United States District Court  
John J. Moakley U.S Courthouse  
1 Courthouse Way  
Boston, MA 02210

Re: United States v. Keith Porter  
No. 03-10194-3-MEL

Your Honor:

For the Court's convenience during the Rule 11 proceeding scheduled for this afternoon, here are the current anticipated guidelines sentencing calculations, based on the parties' undertakings in the plea agreement and the government's and defendant's beliefs as to the defendant's criminal history category.

A ten-year statutory minimum-mandatory term of incarceration is applicable to the offense at issue. See plea agreement ¶3(a).

The parties have agreed that Mr. Porter is responsible for an amount of methamphetamine and marijuana that, when converted to marijuana as set forth in the drug equivalency table at U.S.S.G. §2D1.1 are equal to at least 9,000 but no more than 10,000 kilograms of marijuana. See plea agreement ¶3(a). This drug weight results in a Base Offense Level ("BOL") of 34 under the United States Sentencing Guidelines.

The parties have agreed to take the position that Mr. Porter was a minor participant in the charged offense, which sets his BOL at 30. See plea agreement ¶3(b).

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The parties believe that Mr. Porter is in Criminal History Category ("CHC") VI and is subject to the career offender guideline. See plea agreement ¶3(c). Applying this adjustment to the previously calculated BOL of 30 results in a BOL of 32. Thus, the parties believe that Mr. Porter's applicable Guidelines Sentencing Range ("GSR"), before plea, for BOL 32, CHC VI is 210-262 months, before any adjustments.

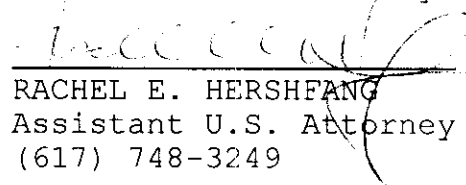
The parties have agreed to take the position that Mr. Porter is entitled to a three-level reduction for acceptance of responsibility. See plea agreement ¶3. This would result in an Adjusted Offense Level ("AOL") of 29, with a GSR of 151-188. The ten-year minimum-mandatory statutory term would still apply.

I hope that these calculations are of assistance to the Court.

Very truly yours,

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